



Order Filed on September 27,
2018 by Clerk U.S. Bankruptcy
Court District of New Jersey

Caption in Compliance with D.N.J. LBR 9004-2(c)
45460
Morton & Craig LLC
John R. Morton, Jr., Esq.
110 Marter Avenue
Suite 301
Moorestown, NJ 08057
Attorney for Ally Capital

In Re:

MITCH MIRABA
KATHRYN MIRABA

Case No.: 17-28485

Adv. No.:

Hearing Date: 5-10-18

Judge: JKS

ORDER RESOLVING OBJECTION TO CONFIRMATION OF ALLY CAPITAL

The relief set forth on the following pages, numbered two (2) is hereby **ORDERED**.

**DATED: September 27,
2018**



Honorable John K. Sherwood
United States Bankruptcy Court

Order resolving objection to confirmation of Ally Capital
Page 2

This matter having been brought on before this Court on objection to confirmation filed by John R. Morton, Jr., Esq., attorney for Ally Capital, with the appearance of Stuart D. Gavzy Esq. on behalf of the debtors, and this order having been filed with the Court and served upon the debtors and their attorney under the seven day rule with no objections having been received as to the form or entry of the order, and for good cause shown;

IT IS ORDERED:

1. The objection to confirmation of Ally Capital is resolved as follows:
 - a. Ally holds a first purchase money security interest encumbering a 2013 Chevrolet Suburban as is more particularly set forth in Claim Number 3 filed by Ally in this case as a result of a retail installment contract executed by the debtors in connection with the purchase of the vehicle on 3-4-17.
 - b. Ally is unaffected by the plan.
 - c. The debtors were discharged in a prior Chapter 7 commenced on 3-15-16 and are not entitled to a discharge in this case.
 - d. Part 4(d)(2) of the plan is stricken as to Ally. Ally shall retain its lien on the vehicle after confirmation and until it is paid in full in accordance with the terms of the retail installment contract which exceeds the length of the plan.
 - e. The terms of this order shall be deemed to modify the debtors' plan.

Certificate of Notice Page 3 of 3
United States Bankruptcy Court
District of New Jersey

In re:
Mitch Mirbaba
Kathryn Mirbaba
Debtors

Case No. 17-28485-JKS
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-2

User: admin
Form ID: pdf903

Page 1 of 1
Total Noticed: 1

Date Rcvd: Sep 28, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Sep 30, 2018.

db/jdb +Mitch Mirbaba, Kathryn Mirbaba, 219 Cumley Terrace, Leonia, NJ 07605-1112

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Sep 30, 2018

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on September 28, 2018 at the address(es) listed below:

Denise E. Carlon on behalf of Creditor J.P. Morgan Alternative Loan Trust 2006-S3, Mortgage Pass-Through Certificates, U.S. Bank National Association, as Trustee dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com
John R. Morton, Jr. on behalf of Creditor Ally Capital ecfmail@mortoncraig.com, mortoncraigecf@gmail.com
John R. Morton, Jr. on behalf of Creditor Santander Consumer USA Inc., dba Chrysler Capital ecfmail@mortoncraig.com, mortoncraigecf@gmail.com
Marie-Ann Greenberg magecf@magtrustee.com
Stuart D. Gavzy on behalf of Joint Debtor Kathryn Mirbaba stuart@gavzylaw.com, lesliebrown.paralegal@gmail.com; gavzysr82824@notify.bestcase.com
Stuart D. Gavzy on behalf of Debtor Mitch Mirbaba stuart@gavzylaw.com, lesliebrown.paralegal@gmail.com; gavzysr82824@notify.bestcase.com
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 7